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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS, INCLUDING: PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Letter dated 10 January 1995 from the Ambassador, Chargé d'Affaires, a.i., of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

I have the honour to transmit a report of the Government of the Federal Republic of Yugoslavia on the obstacles to the implementation of the United Nations Declaration on the Right to Development.

I should be grateful if you would circulate this letter and annex as an official document of the fifty-first session of the Commission on Human Rights, under agenda items 8 and 7.

(Signed) Vladimir Pavićević

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Annex

I. INTRODUCTION

1. Pursuant to the request of the Secretary-General of December 1993, Commission on Human Rights resolution 1993/22 and the conclusions of the Working Group on the Right to Development, the Government of the Federal Republic of Yugoslavia wishes to draw attention to the obstacles it encounters in the implementation of the Declaration on the Right to Development adopted by the General Assembly on 4 December 1986.

2. In this way, the Government of the Federal Republic of Yugoslavia wishes to make its contribution to a comprehensive assessment of the obstacles to the implementation of the right to development both at home and abroad, guided by the fact that "the right to development is an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realized" (art. 1 of the Declaration on the Right to Development).

II. CONSTITUTION, POLICY AND DEVELOPMENT PROGRAMMES OF THE FEDERAL REPUBLIC OF YUGUSLAVIA

3. The Constitution of the Federal Republic of Yugoslavia, as the highest legal document of the common State of Serbia and Montenegro, stipulates that the Federal Republic of Yugoslavia is a sovereign federal State, based on the equality of citizens and the equality of its constituent Republics (art. 1). It goes on to say that freedoms and rights of man and citizen are restricted by equal freedoms and rights of others (art. 9) and that the Federal Republic of Yugoslavia recognizes and guarantees the freedoms and rights of man and citizen recognized by international law (art. 10). The freedoms and rights of man and citizen are exercised and duties fulfilled in accordance with the Constitution. The law may prescribe the manner of exercise of some freedoms and rights of man and citizen when so provided for by the Constitution or when required for their exercise (art. 67). The economic development of the Federal Republic of Yugoslavia, scientific and technological development, regional development and the narrowing of differences in the level of development of individual regions fall within the competence of the Federal Republic of Yugoslavia (art. 77).

4. The said provisions of the Constitution of the Federal Republic of Yugoslavia are a clear indication that there exist all legal preconditions for the implementation of the basic principles of the Declaration on the Right to Development.

5. Although the Declaration itself is not incorporated in any national legal act, its spirit is reflected in both federal and republican documents on development policies in the social and economic spheres in the following manner:

(a) Through the goals and measures in the field of regional development and the basic orientation towards creating equal conditions for development in the entire territory of the country by encouraging accelerated development of underdeveloped regions;

(b) Through the goals and measures in the field of social policy and development and by according the same treatment to all (ethnic, religious, racial, sex and age) population groups;

(c) Through the same treatment of various sectors of property in tax, credit and other policies;

(d) Through the goals and measures established by the policy of the protection of the environment in the Federal Republic of Yugoslavia as well as through the established economic instruments for sustainable growth.

6. Development issues at the national level fall within the competence of the Federal Ministry of Science, Technology and Development and its Centre for Development and Economic Policies, and at the republican level within that of the Republican Administration for Development in the Republic of Serbia and the Secretariat for the Development of Montenegro in the Republic of Montenegro.

III. OBSTACLES TO DEVELOPMENT

7. Although legally enacted and institutionalized, at both federal and republican levels, the implementation of the right to development in the Federal Republic of Yugoslavia has been thwarted in the past several years as the international environment has provided an absolute obstacle to development.

8. Yugoslavia, by the size of its economic growth rate and the depth and dynamics of the introduction of social and economic reforms since the Second World War, particularly in the 1980s, one of the leading countries of Central and Eastern Europe, found itself at the beginning of the current decade in a situation in which its further social and economic development came to a halt.

9. Chronologically, this situation was brought about by the unconstitutional secession of four former republics of the Socialist Federal Republic of Yugoslavia and their hasty recognition by the international community, the civil war in former Bosnia-Herzegovina, which affected a large number of its inhabitants of Serb origin living in this territory, and the subsequent introduction of the unjust and unfair sanctions against the Federal Republic of Yugoslavia by the international community on 31 May 1992 in accordance with Security Council resolutions.

10. The secession of the former republics of the Socialist Federal Republic of Yugoslavia and the outbreak of armed conflicts led to the closing down of the market, suspension of foreign exchange and monetary transactions and the erection of physical barriers to the flow of goods and services between the former republics of the Socialist Federal Republic of Yugoslavia, which was followed by the breakdown of the entire infrastructure of the country.

11. As a result of such developments, the gross national product (GNP) fell, as early as 1991, from the US$ 26,590 million realized in 1990 to only US$ 23,665 million or by 8.2 per cent, in which the share of industrial production fell by 18 per cent.

12. The adoption and implementation of resolutions 757 (1992) and 787 (1992) by the Security Council, and in particular the imposition of tighter implementation by the adoption of resolution 820 (1993), exacerbated these negative trends.

13. Industrial production in 1992 compared to the previous year fell by 21.2 per cent and agricultural production by 18 per cent and this trend continued in 1993 at the rates of 37.3 per cent and 7.2 per cent respectively. The aggregate indicator of economic trends shows that the 1992 GNP compared to 1991 fell by 26 per cent and it is estimated that in 1993 it fell further by about 30 per cent. The per capita GNP fell from US$ 3,000 in 1991 to only several hundred United States dollars.

14. It is estimated that under normal conditions the 1990 GNP could have been realized in the 1991-1994 period in the amount of US$ 26.6 billion per year. With the assumption of the 1990 annual growth rate of 4.1 per cent, however, it will not be possible to achieve this GNP before 2011.

15. The greatest part of the calculable damage accounts for the unrealized real GNP, plus losses caused by the unrealized net inflow from transactions in invisibles with foreign countries and additional losses accrued on account of dole disbursements and refugee accommodation costs. The losses in the 1991-1994 period are estimated at about US$ 45 billion and in the 1995-2011 period at over US$ 100 billion, the

cumulative losses for the 1991-2011 period being estimated at about US$ 150 billion. The estimated aggregate damage amounts to 5.5 times the 1990 annual GNP.

16. The incalculable but certainly enormous damage caused by the disintegration of the Socialist Federal Republic of Yugoslavia and the international economic embargo and sanctions also includes the losses from Yugoslavia's elimination from foreign markets and the costs yet to be paid for its return, as well as from the freezing of its assets and property abroad.

17. From mid-1991 to mid-1993 the number of employed fell by about 10 per cent. Besides, a large number of those who still have employment are practically idle owing to the shortage of raw materials, intermediaries and fuel and, instead of supporting themselves by their wages, they are forced to live on the dole.

18. Average net wages, over US$ 200 in 1991, fell to US$ 80 in 1992 and to only somewhat over US$ 30 in 1993. At the beginning of 1994, average net wages amounted to only 26 dinars (1 dinar = 1 deutsche mark).

19. A drastic fall in revenues has seriously affected pensions, disability pensions, welfare disbursements, child allowances and subsidies to institutions of social care.

20. The health situation deteriorated rapidly after the imposition of sanctions. It continues to deteriorate with each passing day, with disastrous consequences, particularly for the most vulnerable segments of the population (children, pregnant women, the old and ailing, refugees).

21. After several years of a declining economic trend, Yugoslavia's infant mortality rate has now begun to rise, even in those parts of the country where the mortality rate was at the level of medium-developed countries.

22. The number of deaths caused by contagious and all chronic non-contagious (cardiovascular, respiratory), as well as cancerous diseases, has increased as a result of very limited possibilities for early detection and adequate treatment. Last year, 2,680 more persons died of cancer in the Federal Republic of Yugoslavia than would have otherwise been the case in normal circumstances. The number of diagnostic procedures was reduced by 90 per cent, the number of outpatient medical examinations by 50 per cent and the number of surgical interventions, still the most effective way of treatment, was reduced by 75 per cent.

23. The number of examinations and operations on children fell by a total of 92 per cent, while the number of post-operative infections increased by 30 per cent compared to previous years.

24. By imposing sanctions also in the field of health, the international community has trampled upon the best medical traditions and countless provisions of international humanitarian law, including the 1989 resolution of the World Health Assembly which explicitly prohibits the use of medical embargoes for political ends.

25. The population is suffering from malnutrition. Protein in the diet has been reduced by more than 40 per cent, which affects the children and the younger generation in particular.

26. Last year alone, almost 600 highly educated professionals left Yugoslavia, most of them young people aged between 21 and 44.

27. The implementation of the measures of the economic embargo and isolation has had a negative bearing on the possibility of preserving the principle of social justice. The sanctions have had the most devastating effect on the poorest and most vulnerable segments of the population, to whom basic health protection is becoming increasingly unavailable.

28. Unlike the majority of the population who strive to make ends meet, and despite government measures, a relatively small group of people has parlayed the

measures of international economic isolation to their own advantages and, by smuggling, corruption, profiteering and all sorts of other shady activities, has managed to accrue considerable wealth and gain social status and influence. This has had a very negative bearing on the overall moral climate of society and undermines the principle of social justice, one of the basic principles of democracy.

IV. ISSUES BEFORE THE WORKING GROUP ON THE RIGHT TO DEVELOPMENT

29. The Federal Republic of Yugoslavia, like other countries on which international sanctions have been imposed, has to deal with many questions related to the provisions and implementation of the Declaration on the Right to Development. It thus has to provide a proper answer as to:

(a) How to participate in the efforts of the international community aimed at finding solutions to problems of economic and social development and in the solution of accumulated global problems of the environment, when it is denied the right to participate in the work of international organizations and forums and in the implementation of the documents adopted within the United Nations;

(b) How to ensure, in the conditions of sanctions, non-inflationary and stable growth, and ensure social progress, fight poverty, introduce democracy or deal with an ever greater number of environmental challenges, all of these being the principal premises of the right to development as a basic human right;

(c) How to service foreign debts and regain financial credibility when its assets remain frozen and foreign exchange, monetary, trade and other transactions with foreign countries are suspended;

(d) How to make up for an ever greater stagnation in development and its consequences for many generations of innocent population;

(e) Finally, how to avoid the marginalization of an entire people who is denied not only its basic human rights, but also, indirectly, the right to life itself.

30. Recourse to sanctions and their indiscriminate imposition and maintenance are increasingly becoming an ever more frequent feature of international relations. Despite the fact that no goal for which they have been imposed has been achieved so far, there is a real danger that they might be turned into an extremely inadequate instrument in the current process of the establishment of a new world order, with very negative consequences for peace, development, democracy and the humanitarian and other goals the international community has set out to attain, all the more so as their devastating effects hardly differ from the consequences of war.

31. Sanctions affect not only individual peoples and countries, but also indirectly the economic, political and social development of entire regions. Moreover, they have a boomerang effect on the international community, which has to muster ever greater financial resources to offset their consequences.

32. The international community would be ill-advised to turn a blind eye to the consequences of collective punishment of an entire people by way of an open violation of the basic rules of international law.

33. Proceeding from the aforementioned, the Government of the Federal Republic of Yugoslavia expects the Working Group on the Right to Development to devote special attention to the problem of international sanctions as one of the biggest obstacles to the economic, social, scientific, technological and cultural development of peoples, all the more so as they are most frequently imposed to achieve very vague goals and their only victims are developing countries.